

North Smithfield Zoning Board of Review
November 10, 2015, 7:00 pm
Kendall Dean School
83 Green Street, Slatersville, RI

The Chair called the meeting to order at 7:05 pm.

1. Roll Call

Present: Chair William Juhr, Scott Martin, Mario DiNunzio, Vincent Marcantonio and Robert Najarian. Also present was Asst. Town Solicitor Stephen Archambault, Building Official, Chris Chianese, and Zoning Inspector, Carl Johnson. Absent: Steven Scarpelli and Paul Pasquariello.

2. Mr. Juhr made disclosure of no compensation or pension credits are received by the board members.

3. Approval of minutes, October 13, 2015 and October 27, 2015

Mr. Martin made a motion to approve the October 13, 2015 minutes, seconded by Mr. Marcantonio, with all in favor.

Mr. Martin made a motion to approve the October 27, 2015 minutes, seconded by Mr. Marcantonio, with all in favor.

4. Vote to approve the written decision for the application of Joseph W. Higginbottom, Jr., requesting a Special Use Permit to construct a 1.04 Mega-Watt, ground mounted, solar photovoltaic array from Section 5.7, (c), (2), located at 22 Christiansen Drive, AP 05, Lot 354, Zoning District: Manufacturing (M).

Mr. Martin made a motion to approve the written decision for Joseph W. Higginbottom, Jr. Mr. Najarian seconded the motion, with all in favor. Roll call vote was as follows: YES: Mr. Juhr, Mr. Martin, and Mr. DiNunzio. Mr. Scarpelli and Mr. Pasquariello were absent. Motion passed unanimously, with a vote of 3-0.

5. Vote to approve the written decision for Sol Bright Renewable Energy, LLC as amended requesting a Special Use Permit and/or Use Variance to install and operate a 1,249 kilowatt DC nameplate solar photovoltaic system on the property of Lyn & Michael Spinella identified as Brookside Equestrian located at 90 Tifft Rd, North Smithfield, AP 4, Lots 49, 319, 397, Zoning District: RRC from Section 5.7. For the purpose of the Zoning Ordinance, Zoning District RRC shall be synonymous with the previous names REA and REA -120.

Mr. Juhr stated the decision is not ready and will be carried over to the next meeting on November 24, 2015.

6. Continuation of the application for North Smithfield Solar 1, LLC, requesting a Special Use permit to construct a 2.5 Mega-Watt, ground mounted, solar photovoltaic array from Section

5.7, (c), (2), located at Pound Hill & Old Oxford Roads, AP 07, Lot 009. Zoning District: Rural Residential Conservation (RRC).

Attorney, John Pagliarini, stated the Town Council approved the PPA on Monday for a net metering project and this project is exempt from the requirements over a certain size is prohibited in this zoning district. They will proceed as a Special Use Permit in this RRC district.

Mr. Juhur stated the following Exhibits were entered at the last meeting.

P1) Application for hearing before Zoning Board of Review, Application No: ZC-15-38, dated 8-24-15, Zone RRC, Plat 7, Lot 9.

P2) Town of North Smithfield Office of the Building and Zoning Official letterhead, Application No: ZC-15-38, Zoning District: RRC, dated 8-3-15, Plat 7, Lot 9. Amend to only a Special Use Permit.

P3) Letter dated August 3, 2015, subject Oxford Road Solar Development Application for Special Use Permit signed by Alan Benevides, PE, LSP, PN 228792.00 001

Mr. Juhur submitted the following Exhibits.

P4) Narrative Report, Oxford Road Solar Development, stamped by Alan Benevides, No. 6370, Registered Professional Engineer, 4 tabs 1-4, with Table of Contents.

P5) Narrative Report, Oxford Road Solar Development, stamped by Alan Benevides, No. 6370, Registered Professional Engineer, 4 tabs A-I.

P6) Large full size plans, Old Oxford Road Solar Development, dated August 2015, Woodard & Curran stamp, first page G-001, C-100, C-101, C-102, C-103, D-200, D-201, stamp Alan Benevides, No. 6370.

P7) Statement of Qualifications 2015, Energy Development Partners, many pages are not numbered, last page 13. Statement of Qualifications page 10, In partnership with Half Moon Ventures, Inc., Woodard & Curran and New England Construction, EDP developed this new 500 kW solar array in the Quonset Industrial Park. The project was awarded a 15 year PPA by National Grid and is currently operating.

Mr. Juhur stated the recommendation from the Planning Board was not provided to the Zoning Board to enter as an exhibit. The Town Council has entered into an agreement with a PPA but the Zoning Board has not received the documentation.

Attorney Pagliarini added a stipulation that “at all times, at least 51% of the project shall consist of MW, mega watts, committed to net metering.”

P8) Abutters List

Alan Benevides was sworn in.

Mr. Benevides, Professional Engineer, from Woodard & Curran and has worked on 8-10 projects in the State of RI.

The project will not be located on the landfill, rural area there are no abutters, and there is an environmental landfill restriction, there are wetlands between the landfill and solar array – an application has been submitted to RIDEM for permits. Drainage will be better after graded, loomed and seeded for runoffs.

No residents will see the project, the whole array will be fenced, no screen or buffer is needed, no trash receptacles will be on the property, drainage will meet storm water guidelines with loom and seed, no lighting on property, no noise or odor, no adverse impact on the land, no dimensional use variances.

Woodard & Curran monitors the project and Mr. Benevides is the Project Coordinator for the Super Fun Site for ground water monitoring, surface water monitoring and landfill gas monitoring. Environmental land use restrictions are placed on any activities proposed on these Super Fun Sites and plans have to be submitted to RIDEM and EPA. Ground water flows west to east and not in the direction of the solar array which is located to the south of the landfill (on the right side of the Super Fun Site). Access to the site is on Old Oxford Road from Douglas Turnpike. The solar array will not be located on the cap.

Mr. Marcantonio stated he visited the site and it is a beautiful site.

Frank Epps stated the project is a 2.5 Mega-Watt solar array producing electricity in direct current with inverters that convert DC current to AC. Then step up current to voltage that is 13.8 KV to be compatible to the Grid. The array has a mounting system and is a fixed racking system with posts 6-8 feet in the ground. Panels will be in a vertical or a portrait view on top of each other, and installed at a 25 degree angle, bottom portion will be 2-1/2 – 3 feet off the ground and top portion will be no more than 7 – 7-1/2 feet off the ground. No view for abutters as they are maintaining all vegetation. Fencing is a 40' setback from the boundary to the fencing.

Mr. Epps stated there are four solar parks operating in RI. North Smithfield will be the first municipality to sign a net metering agreement for solar power. The project will be up and running by the end of the second or third quarter. Security – 6' chain linked fence surrounding the site with a system monitored through the internet 24/7 with cellular communication system. There will be an operations maintenance contract to monitor the system. No hazard or harm – the inverter has fans in it to cool off and the transformer has a FR3 coolant which is 98% vegetable oil with a pad surrounding it. The solar panels absorb light with an anti-reflective coating on the glass. Panels will not shatter – the systems are connected in a series (22 panels within a series). A surety bond for \$50,000 - \$100,000 will be provided to protect the removal of all panels and equipment when the PPA has expired. The agreement was approved for a term of 25 years with the Town Administrator. The panels are warranted for approximately 25 years.

Mr. Archambault stated any expansion would have to come back to the Zoning Board for further relief.

No abutters were in attendance. The meeting was closed to testimony.

Mr. Archambault said at the last meeting, Attorney Pagliarini pointed out the Exemptions. Special Use Permits are required when it's in a commercial zoning district otherwise it's allowed by right. For the sake of efficiency, and for creating a record for the Town's best interest, the Special Use Permit test reflects what the Zoning Board of Review should consider in approving or disapproving the project. See page 5-48, Section 5.7(c) (2). Mr. Archambault stated the Town Council did approve the contract for 25 years so there is no need to incorporate the approval into the record.

A motion by Mr. DiNunzio, for North Smithfield Solar 1, LLC, requesting a Special Use permit to construct a 2.5 Mega-Watt, ground mounted, solar photovoltaic array from Section 5.7, (c), (2), located at Pound Hill & Old Oxford Roads, AP 07, Lot 009. Zoning District: Rural Residential Conservation (RRC) be approved on the following conditions:

1. That at all times, at least 51% of the project shall consist of MW, committed to net metering.
2. That the project meets all necessary state and federal EPA environmental regulations.
3. That the project meets all necessary Town fire and safety regulations.
4. That it be constructed in conformity with the drawings and specifications submitted.

The motion was seconded by Mr. Martin. Roll call vote was as follows: YES: Mr. Juhr, Mr. Martin, Mr. Marcantonio, Mr. DiNunzio and Mr. Najarian. Motion passed unanimously, with a vote of 5-0.

7. Continuation of the application for Said Maroun, requesting a Dimensional Variance to construct a 7'-6" x 10' wide front entry to the existing dwelling from Section 5.5.1 located at 4 Deborah Avenue, AP 06, Lot 272, Zoning District: RA.

Said Maroun was sworn in.

Mr. Juhr submitted the following Exhibits.

P1) Application for hearing before Zoning Board of Review, Application No: ZC-15-43, dated 9-28-15, Zone RA, Plat 6, Lot 272, for Dimensional Variance.

P2) Town of North Smithfield Office of the Building and Zoning Official letterhead, Application No: ZC-15-43, Zoning District: RA, dated 9-14-15, Plat 6, Lot 272.

P3) 8-1/2" x 14" document for elevation and plan view, bottom right corner Typical Exterior Detail.

P4) 8-1/2" x 11" site plan, bottom right hand corner dated July 2015, drawn by S. Horman.

P5) Site map, surrounding properties outlined, MainStreetGIS, LLC, printed on 8/28/2015, last update property information 10/1/2014.

P6) Abutters list (18), top left hand corner dated 8/28/2015.

Mr. Maroun wants to expand his front entrance to the existing house for safety with people coming to visit.

Paul Poisson was sworn in.

Mr. Poisson lives across the street from Mr. Maroun. Mr. Maroun has a raised ranch that is 24' wide with 7' coming off the home and 10' across. The entry door opens in and there is not enough room for people coming in and out of the house, the stairs are there to go upstairs and to the basement. An architect prepared the drawing and the house is 38'.

Mr. Chianese stated the site plan that was prepared measures that he has 38' from the edge of the roadway to the house. There are sometimes right of ways that exist and the actual measurement to the gutter line may not accurately represent the exact setback. This drawing appears to have been prepared maybe when the property was originally permitted. They may not have sufficient setback for today's Ordinance which is in effect, which would suggest a 40' setback – say that the 2' reflects possibly an error in measurement. It appears from the drawing prepared by S. Horman that the applicant is seeking relief for 7'- 6" from the existing structure to be considered for relief from the current 40'. Not taking into account the year the building was built or what the setbacks were at the time the building was built.

Mr. Najarian stated it appears to be conforming and possibly a dimensional mistake in measuring

Mr. Chianese has not had time to review the area. Mr. Marcantonio stated they did not have 40' setbacks back then when the house was built.

Mr. Najarian asked if the new door could swing out. Mr. Chianese said the building code considered for primary entrance should be 3' wide. Mr. DiNunzio stated the difference of 5' and 7'- 6" does not damage the neighborhood and with the comfort and safety that has been presented – he would approve the application. Mr. Juhr agreed.

Tom Magee was sworn in.

Mr. Magee stated he would not want a door to swing out in the wind.

The public hearing was closed for testimony at 8:30 p.m.

A motion by Mr. DiNunzio to approve the application for Said Maroun, requesting a Dimensional Variance to construct a 7'- 6" x 10' wide front entry to the existing dwelling from Section 5.5.1 located at 4 Deborah Avenue, AP 06, Lot 272, Zoning District: RA, seconded by Mr. Marcantonio, with all in favor. Roll call vote was as follows: YES: Mr. Juhr, Mr. Martin, Mr. Marcantonio, Mr. DiNunzio and Mr. Najarian. Motion passed unanimously, with a vote of 5-0.

8. Adjourn

Mr. Martin made a motion to adjourn the meeting at 8:35 p.m. Mr. DiNunzio seconded the motion, with all in favor.

Submitted by Diane Agostini